

CITY OF HOLLISTER - AGENDA

for **City Council Meeting**

of **December 18, 2006** at **6:30 p.m.** in the City Council Chambers, City Hall, 375 Fifth Street, Hollister

NOTICE TO PUBLIC

Persons who wish to address the City Council must complete a Speakers Card and give it to the Clerk prior to addressing the City Council. Those who wish to address the City Council on an agenda item will be heard when the presiding officer calls for comments from the audience. City related items not on the agenda will be heard under the Public Input section, Section B, of the agenda. Following recognition persons desiring to speak are requested to advance to the podium and state their name and address. After hearing audience comments, the public portion of the meeting will be closed and the matter brought to the City Council for discussion and action.

Requests to make presentations to the City Council should be submitted to the City Clerk's Office at least ten days preceding the City Council meeting. It is customary for the staff members to review such matters prior to formal presentation in order that the City Council may have the benefit of all available data.

All matters listed under Consent Resolution will be enacted by one motion authorizing actions indicated for those items so designated. There will be no separate discussion of these items unless requested by a member of the City Council, a staff member, or a citizen.

**** 6:00 p.m. - Closed Session -- See Attached Agenda.**

Call to Order

Pledge of Allegiance

Roll Call: Mayor Brad Pike, Sr., City Council Members Eugenia Sanchez, Pauline Valdivia, Doug Emerson, and Monica Johnson, City Manager Clint Quilter, City Attorney Stephanie Atigh, and City Clerk Geri Johnson.

Verification of Agenda Posting

6:00 p.m. - CLOSED SESSION AGENDA:

- A. Public comment (limited to any item listed on Closed Session agenda).
- B. A Closed Session will be held by the City Council of the City of Hollister to discuss all or some of the following matters:
 - 1. Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation pursuant to Government Code Section 54956.9(b) - (3 potential cases will be discussed)

2. Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation pursuant to Government Code Section 54956.9(c) - (2 potential cases will be discussed)
3. Conference with Legal Counsel - Pending Litigation - Pursuant to Government Code Section 54956.9(a) –
 - a. RWQCB – Cease and Desist Order No. R3-2002-0105
 - b. City of Hollister v. Monterey Insurance Company, California Capital Insurance Company, Case Number HO29296
 - c. Wald, Ruhnke & Dost Architects v. City of Hollister, San Benito Superior Court Case No. CV-06-00141
4. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

Agency Negotiator: Clint Quilter

Employee Organizations: Service Employees International Union, Local 817; Hollister Firefighters Union, Local 3395; Hollister Peace Officers Association; Hollister Mid-Management Association; and un-represented employees in classifications designated as Executive Management and Confidential

5. Personnel – City Manager Evaluation
6. Threat to Public Services or Facilities pursuant to Government Code Section 54957

Consultation with Hollister Police Chief

6:30 p.m. - AGENDA

A. CONSENT RESOLUTION (December 18, 2006):

All items listed under consent Resolution will be enacted by one motion authorizing actions indicated for those items so designated. There will be no separate discussion of these items unless requested by a member of the City Council, a Staff member, or a Citizen.

Consent Items are Numbers A1, A2, A3, A4 and A5.

- A1. Minutes of the Regular City Council Meeting of December 4, 2006.

Approve Minutes of the Regular City Council Meeting of December 4, 2006, as submitted.

A2. Warrant Register(s).

The City Council will ratify and approve the following Warrant Register(s) for the General-Special-Enterprise-Assessment Funds dated:

- December 4, 2006, in the amount of \$ 226,438.95
- December 8, 2006, in the amount of \$ 12,937.96

A3. Claim Against the City – Alejandro

A claim against the City has been filed by Frances M. Alejandro. Staff recommends denial of this claim and seeks authorization to send the Notice of Rejection to the claimant.

A4. Resolution No. 2006-164, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING PIPELINE CROSSING AGREEMENT WITH UNION PACIFIC RAILROAD FOR THE "NORTH STREET EXTENSION PROJECT", CIP 2309.

This Resolution approves the Pipeline Crossing Agreement with Union Pacific Railroad.

A5. Resolution No. 2006-165, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING THE TEMPORARY CLOSURE OF SIXTH STREET FROM SAN BENITO STREET WEST TO ENTRANCE TO PUBLIC PARKING LOT.

This Resolution approves the temporary closure of Sixth Street for a Holiday open house.

B. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS:

1. PUBLIC INPUT.

This is the time for anyone in the audience to speak on any item not on the agenda and within the subject matter jurisdiction of the council. When the City Clerk calls your name, please come to the podium, state your name and address for the record, and speak to the Council. Each speaker will be limited to two (2) minutes. Please note that state law prohibits the council from discussing or taking action on any item not on the agenda.

C. PUBLIC HEARINGS (On or After 6:30 p.m.)

None.

D. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

1. Read by Title Only and Introduce Ordinance No.1012, AN ORDINANCE OF THE CITY OF HOLLISTER AMENDING CHAPTER 1.6 – *CODE ENFORCEMENT* REVISING THE FEE FOR RETROACTIVE PERMIT APPLICATIONS.

This Ordinance provides the City with the flexibility to charge applicants who have improperly initiated construction or use of land without permits a permit application fee of up to two times the amount normally charged for a permit application.

2. Read by Title Only and Introduce Ordinance No.1013, AN ORDINANCE OF THE CITY OF HOLLISTER AMENDING CHAPTER 8.20 TO DELETE REQUIREMENT FOR TRIPLE CONTAINMENT IN UNDERGROUND STORAGE FACILITIES.

This Ordinance will amend Municipal Code Chapter 8.20 to be consistent with the recognized standard for underground storage facilities.

E. REPORTS OF CITY COUNCIL, OFFICERS, BOARDS, AND COMMITTEES:

1. Reports from City Council Committees.

Receive oral reports from members regarding the activities of various Ad hoc and Standing City Council Committees.

2. Reports from City Council, City Manager, City Attorney, and Staff.

Receive oral reports from the City Council, City Manager Quilter, City Attorney Atigh, City Clerk Johnson, and other Staff as applicable.

3. Water and Wastewater Issues.

The City Council will receive an oral report from Dave Jones of CH2M Hill.

F. UNFINISHED BUSINESS:

1. Deficit Reduction Program

The City Council will discuss the Deficit Reduction Program as proposed by the City Manager and Staff and may direct the City Manager accordingly.

G. NEW BUSINESS:

None.

H. MISCELLANEOUS:

None.

ADJOURNMENT:

Next regular City Council Meeting is scheduled for January 2, 2007, at 6:30 p.m.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (831) 636-4304. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].